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OCT 20 2005

DATE: 10/20/05

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Examiner: A. L. Rutledge
Group Art Unit: 2176
Tel No: 571-272-7508
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FROM: J. D. KRAFT
Tel No: 512-473-2303

OCT 21 2005

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Docket No. AT920010906US Serial No. SN 10/047,095 Atty: J. D. KRAFT
Applicant: C. N. Ullmann et. al.

- | | |
|---|---|
| <input type="checkbox"/> Transmittal Letter (2 copies) | <input type="checkbox"/> Certificate of Facsimile |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Amendment AF | <input type="checkbox"/> Appeal Brief (3 copies) |
| <input type="checkbox"/> Ext. of Time | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> IDS Statement | <input type="checkbox"/> Change of Address |
| <input checked="" type="checkbox"/> Other <u>Response to Notice</u> | |

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Fees: Amendment _____ Notice of Appeal _____ Appeal Brief _____ Other _____

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PATENT
10/047,095

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2175
: Examiner: A. L. Rutledge
Cristi N. Ullmann et al. : Intellectual Property
Serial No: 10/047,095 : Law Department - 4054
Filed: 01/15/2002 : International Business
Title: A SYSTEM FOR DELAYED : Machines Corporation
VIEWING OF SELECTED DOCUMENTS : 11400 Burnet Road
HYPERLINKS TO HYPERTEXT : Austin, Texas 78758
DOCUMENTS RECEIVED AT A USER : Customer No. 32,329
INTERACTIVE RECEIVING DISPLAY :
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Dated: 10/20/05 :

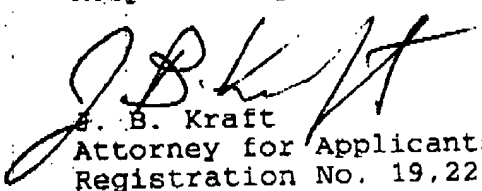
LETTER RESPONSIVE TO NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed October 12, 2005, attached is a copy of a Petition to Revive already mailed to the Patent Office on September 29, 2005.

Respectfully submitted,


J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

AUS920010906US1

PTO/BB/1 (07-85)

Approved for use through 07/31/2008. OMB 0551-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) RU592001 0906031
First Named Inventor: Cristi N. Ullmann Application Number: 10/047,095 Filed: 01/15/2002	Art Unit: 2176 Examiner:	
Title: A SYSTEM FOR DELAYED VIEWING OF SELECTED DOCUMENTS HYPERLINKED TO HYPERTEXT DOCUMENTS RECEIVED BY A USER INTERACTIVE RECEIVING DISPLAY STATION IN A COMPUTER CONTROLLED COMMUNICATION NETWORK		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.		
NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee PLEASE CHARGE DEPOSIT ACCOUNT NO. 09-0447 (duplicate enclosed)		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ 110 (37 CFR 1.17(l)).		
IF THERE HAS BEEN AN INCREASE PETITION FEES		
2. Reply and/or fee PLEASE CHARGE THE DEPOSIT ACCOUNT No 09-0447		
A The reply and/or fee to the above-noted Office action in the form of A RESPONSE TO OFFICE ACTION MAILED 01/03/2005 (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/61 (07-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

SN 10/047,095

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

J. B. Kraft for Mark S. Walker 9/29/05
Signature Date
J. B. KRAFT Attorney 19,226 SR
MARK S. WALKER, ATTORNEY 30,699
Typed or printed name Registration Number, if applicable
Intellectual Property Law Dept. IBM Corp. 512-823-5884
Address Telephone Number
11400 Burnet Rd. Austin TX 78758
Address

- Enclosure ☒ Fee Payment ☒ Authorization
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

9/29/05
Date

J. B. Kraft
Signature
J. B. KRAFT
Typed or printed name of person signing certificate

(Page 2 of 3)

(AUS9 2001 0906054)

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PTD/BB/1 (07-95)

Approved for use through 02/31/2006. DMB 9551-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) AUS920010906US
First Named Inventor: Cristi N. Ullmann Application Number: 10/047,095 Filed: 01/15/2002	Art Unit: 2176 Examiner:	
Title: A SYSTEM FOR DELAYED VIEWING OF SELECTED DOCUMENTS HYPERLINKED TO HYPERTEXT DOCUMENTS RECEIVED AT A USER INTERACTIVE RECEIVING DISPLAY STATION IN A COMPUTER CONTROLLED COMMUNICATION NETWORK		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee PLEASE CHARGE DEPOSIT ACCOUNT NO. 09-0447 (duplicate enclosed) <input type="checkbox"/> Small entity - fee \$ (37 CFR 1.17(I)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ 110 (37 CFR 1.17(I)).		
IF THERE HAS BEEN AN INCREASE PETITION FEES 2. Reply and/or fee PLEASE CHARGE THE DEPOSIT ACCOUNT NO 09-0447 A The reply and/or fee to the above-noted Office action in the form of A RESPONSE To OFFICE ACTION MAILED 01/04/2005 (identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/61 (07/05)

Approved for use through 07/31/2008. DMS 0551-0331

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

SN 10/047,095

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203a.

J.B. Kraft for Mark S. Walker 9/29/05
J.B. KRAFT Attorney 19,226 for
MARK S. WALKER, ATTORNEY 30,699
 Signature Date
 Typed or printed name Registration Number, if applicable
 Intellectual Property Law Dept. IBM Corp. 512-823-9884
 Address Telephone Number
 11400 Burnet Rd. Austin TX 78758
 Address

- Enclosure ☒ Fee Payment Authorization
☒ Reply
☐ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unavoidable delay
☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:
☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

9/29/05
 Date

J.B. Kraft
J.B. KRAFT
 Signature
 Typed or printed name of person signing certificate

(AUS9 2001 0906054)

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PTO/USPS (07-05)
 Approved for use through 07/1/2006. OMB 0361-0031
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNAVOIDABLY UNDER 37 CFR 1.137(e)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

	27 Sep 2005
Signature	Date
Mark S. Walker	306'9
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

I, Mark S. Walker, am an Attorney, employed by the Assignee, International Business Machine Corporation at the Intellectual Property Law Department of the Assignee at its facility at 11400 Burnet Road, Austin, Texas 78758. I am responsible for the prosecution of the present Patent Application SN. 10/047,095. This responsibility includes ensuring that timely responses are made in the prosecution by Attorneys on staff and outside Attorneys to whom I may assign such responses.

When the present Patent Application was filed in the U. S. Patent Office, there was a request that all correspondence related to the Application be sent to the above address, and to the attention of Cynthia S. Byrd, an Attorney on our staff. Since Attorney Byrd is no longer on our staff, our office procedure was set up so that correspondence related to the Application arriving at our office would be logged in, and then given to me for disposition.

Our records indicate that the Official Action, "DATE MAILED 01/04/2005" in the present Application never arrived at our Intellectual Property Law Department of the Assignee at the above address. It was never logged in or recorded in our Docket file for the Application.

(see attached sheet)

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)

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Petition for Revival SN 10/047,095 Continued)

The procedure for handling received mail at the Assignee's facility at 11400 Burnet Rd., Austin, Texas is as follows. Mail received in the Assignee's Mail Room is sorted into bins for designated departments including a bin for the Intellectual Property Law Department. The received mail is delivered daily from the Mail Room to the Intellectual Property Law Department where each piece of mail is manually written into a "Mail Log" by an administrative staff member assigned to that function. The received mail document is also entered via computer data entry into a Docket data processing folder set up for each patent application.

My administrative assistant, Robin Zelent, and the Attorney, J. B. Kraft, who is preparing the Response to the missing Official Action have investigated the procedure, and have found the Official Action of January 4, 2005 was never received. It was not logged into our office mail log or entered into the computer docket file maintained for Application SN. 10/047,095 (IBM Docket No. AUS920010906US1).

Attached hereto as Exhibit A is a copy of the office Mail Log showing a portion of the Mail Log for the period from January 6 through January 14, 2005, during which period the Office Action should been received. Attached, as Exhibit B, is a copy of the docket file for the Application which also indicates the absence of the Official Action.

The missing Official Action came to our attention by a Patent Office telephone inquiry to our office on September 1, 2005. We obtained a copy of the Official Action from the on-line PAIR records available from the U.S. Patent Office, and searched our department files for any received copy. Upon failure to find a copy, on September 8, we brought the situation to the attention of our outside Attorney, who is preparing the required Response, and requested that he make a complete investigation to determine the facts, prepare this petition to revive, and complete the appropriate Response which is being filed herewith.

We believe that the Abandonment was unavoidable, and that we proceeded with due promptness once the Abandonment was discovered.

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